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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,291	09/25/2006	Martin James Fisher	S1011/20205	6569
3000 7590 09/02/2008 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			EXAMINER BELLINGER, JASON R	
			ART UNIT 3617	PAPER NUMBER
			NOTIFICATION DATE 09/02/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary	Application No. 10/599,291	Applicant(s) FISHER, MARTIN JAMES	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a wheel assembly, speed sensing means, axle, axle housing, and driver for the wheel sensing means from claim 13; hollow formations or ribs as set forth in claims 16 and 23; an axle protruding beyond a rim of a wheel as set forth from claim 19; a tire pressure sensor mounted to the cap as set forth in claim 20; and aircraft having a wheel assembly as set forth in claim 21; a wheel assembly, speed sensing means, tire pressure sensor, and clamping means as set forth in claim 22; and the side wall of the body flaring radially outwardly from the end wall to the flange as set forth in claim 24; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 16 and 29. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 23. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because it contains legal terms (see below). Correction is required. See MPEP § 608.01(b).

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

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The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "comprising", "means", and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

7. Claims 15 and 22 are objected to because of the following informalities: In claim 15, the term "increase" should be replaced with the term --increases--. In claim 22, the term "tire" should be replaced with the term --tire--.

These corrections are for grammatical clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 13-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is indefinite due to the fact that it is unclear how the end wall of the cap is "towards" a free end of an axle. No directional indicators (i.e. axially, radially, etc.) have been provided to clearly define this limitation.

Claim 15 is indefinite due to the fact that it is unclear how the formations increase in thickness "towards" the open end. No directional indicators (i.e. radially, axially, etc.) have been provided to clearly define this limitation.

10. Claims 13-14, 22, and 24 recite the limitation "the side wall". There is insufficient antecedent basis for this limitation in the claims. This limitation has not been previously set forth in the claims.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 13-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackness in view of Johnson. Mackness shows an aircraft wheel assembly having all the features set forth in the claims, except for the following:

Mackness does not show a side wall of the cap member 28 including at least one stiffening rib or formation. Johnson teaches the use of a hubcap 20 having a plurality of equidistantly spaced ribs 28 on a side wall of the hubcap 20. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cap of Mackness with ribs for the purpose of increasing heat transfer, thus cooling the hubcap and wheel components thereby preventing undue

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damage. It should be noted that the ribs taught by Johnson are capable of influencing the flow of air around the cap, which could reduce noise generated by air flowing around the wheel assembly.

Mackness as modified by Johnson does not show the ribs being hollow or increasing in thickness towards an open end of the cap. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the ribs with any shape and/or configuration depending upon the aesthetic appearance desired for the wheel assembly and/or the function of the ribs. For example, one of ordinary skill in the art would have found it obvious to make the ribs hollow, in order to reduce the weight of the hubcap, thus reducing the overall weight of the wheel assembly. Furthermore, it would have been obvious to one of ordinary skill in the art to have the ribs increase in thickness, in order to increase the surface area of the ribs, thus increasing heat transfer.

It should be noted that a portion of the tire pressure sensing means (namely the RF transceiver 20) of Mackness is mounted on the cap 28.

13. Claims 18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackness in view of Johnson as applied to claims 13-17 and 19-21 above, and further in view of Gorges. Mackness as modified by Johnson does not show the body of the cap tapering radially outwardly from the end wall thereof. Gorges teaches the use of a hubcap 60 having a radially outwardly tapered body. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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form the cap of Mackness as modified by Johnson with a tapered body, as a substitute equivalent shape, dependent upon the aesthetic appearance desired.

Mackness as modified by Johnson also does not show a slot located in the cap for receiving sensing components. Gorges teaches the use of slots 90, which receive sensing components. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cap of Mackness as modified by Johnson with such a slot, in order to have a dedicated location for mounting sensing components. While Mackness as modified by Johnson and Gorges does not show the slot extending from a flange into a side wall of the body, one of ordinary skill in the art would find it obvious to locate the slot in any location having suitable space, dependent upon clearance issues with other components of the wheel assembly.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references all show hub cap structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Bellinger/
Primary Examiner
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